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[Additional parties and counsel listed on
signature page]

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 HENRY'S BULLFROG BEES, et al.,

13 Plaintiffs,

14 v.

15 SUNLAND TRADING, INC., et al.,

16 Defendants.
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Case No. 2:21-CV-00582-TLN-CKD

**JOINT STIPULATION AND
ORDER RE: DISCOVERY STAY
AND DEADLINES**

The Honorable Troy L. Nunley

Local Civ. R. 143, 144(a)

1 TO THE HONORABLE COURT:

2 PLEASE TAKE NOTICE that Plaintiffs Henry’s Bullfrog Bees; Golden Prairie Honey
3 Farms Corporation, d/b/a Valor Honey; and Kelvin Adeo (together, “Plaintiffs”), and Defendants
4 Sunland Trading, Inc.; Lamex Foods, Inc.; Export Packers Company Limited, d/b/a Odem
5 International (named in the Amended Complaint as “Odem International Inc.”); Barkman Honey,
6 LLC; Dutch Gold Honey, Inc.; True Source Honey LLC; and NSF International (together,
7 “Defendants”), hereby agree and stipulate that good cause exists for the following:

8 WHEREAS, on March 29, 2021, Plaintiffs filed their original complaint. ECF No. 1.

9 WHEREAS, on March 30, 2021, the Court issued its Initial Pretrial Scheduling Order
10 requiring the parties to confer pursuant to Federal Rule of Civil Procedure 26(f) within 60 days of
11 service of the complaint and to complete discovery, with the exception of expert discovery, no
12 later than 240 days from the date upon which the last answer may be filed with the Court pursuant
13 to the Federal Rules of Civil Procedure. ECF No. 3.

14 WHEREAS, on May 25, 2021, the Court granted the parties’ stipulation to extend
15 Plaintiffs’ time to file an amended complaint. ECF No. 35.

16 WHEREAS, on June 2, 2021, the Court granted Defendants’ Ex Parte Application to
17 Modify the Initial Pretrial Scheduling Order, resetting the Rule 26(f) conference deadline to
18 August 27, 2021, 60 days after the filing of Plaintiffs’ amended complaint. ECF No. 42.

19 WHEREAS, on June 28, 2021, Plaintiffs filed their First Amended Class Action
20 Complaint (“Amended Complaint”). ECF No. 43.

21 WHEREAS, on July 12, 2021, the Court approved the parties’ stipulation to extend
22 Defendants’ deadline to move, answer, or otherwise respond to the Amended Complaint to
23 August 16, 2021, and Plaintiffs’ deadline to file opposition(s) to any motion(s) to dismiss the
24 Amended Complaint to 45 days from the filing of the motion(s) to dismiss. ECF No. 46.

25 WHEREAS, the parties agree, in order to conserve judicial and party resources pending
26 completion of the briefing of Defendants’ forthcoming motions to dismiss, to stay discovery and
27 extend certain deadlines applicable to discovery in this case as follows:

- 1 1. All discovery in this case shall be stayed until 60 days following the filing of the last
2 reply filed in support of any defendant(s)' motion(s) to dismiss the Amended
3 Complaint (the "Discovery Stay Period");
- 4 2. The deadline for the parties to confer as required by Federal Rule of Civil Procedure
5 26(f) shall be extended to the earlier of (i) 60 days following the filing of the last reply
6 filed in support of any defendant's motion(s) to dismiss the Amended Complaint, and
7 (ii) 30 days following the last Court order ruling on all motions to dismiss (to the
8 extent any claims remain following an order);
- 9 3. The deadline to complete all discovery, with the exception of expert discovery, shall
10 be extended to 18 months from the date upon which the last answer may be filed with
11 the Court pursuant to the Federal Rules of Civil Procedure;
- 12 4. This Stipulation is not, and may not be construed as, a waiver by Plaintiffs of their
13 right to move the Court for permission to serve discovery necessary to oppose any
14 motion(s) to dismiss for lack of personal jurisdiction. The parties agree that no such
15 personal jurisdiction-related discovery (or other discovery) shall take place during the
16 Discovery Stay Period unless and until the Court grants any such motion; and
- 17 5. This Stipulation is not, and may not be construed as, a waiver by Defendants of their
18 right to move to continue the stay or limit discovery following the conclusion of the
19 Discovery Stay Period.

20 WHEREAS, this Stipulation will not impact any other case deadlines.

21 WHEREAS, the parties agree that entering into this stipulation shall not constitute a
22 waiver of (a) any jurisdictional defenses that may be available; (b) any affirmative defenses under
23 Rule 8 of the Federal Rules of Civil Procedure, any defense listed in Rule 12(b) of the Federal
24 Rules of Civil Procedure, or otherwise; or (c) any other statutory or common law defenses that
25 may be available to Defendants. Defendants expressly reserve their rights to raise any such
26 defenses and any other defense.

27 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
28 Plaintiffs and Defendants, and subject to the Court's approval, as follows:

- 1 1. All discovery in this case shall be stayed until 60 days following the filing of the last
2 reply filed in support of any defendant(s)' motion(s) to dismiss the Amended
3 Complaint (the "Discovery Stay Period");
- 4 2. The deadline for the parties to confer as required by Federal Rule of Civil Procedure
5 26(f) shall be extended to the earlier of (i) 60 days following the filing of the last reply
6 filed in support of any defendant's motion(s) to dismiss the Amended Complaint, and
7 (ii) 30 days following the last Court order ruling on all motions to dismiss (to the
8 extent any claims remain following an order);
- 9 3. The deadline to complete all discovery, with the exception of expert discovery, shall
10 be extended to 18 months from the date upon which the last answer may be filed with
11 the Court pursuant to the Federal Rules of Civil Procedure.
- 12 4. This Stipulation is not, and may not be construed as, a waiver by Plaintiffs of their
13 right to move the Court for permission to serve discovery necessary to oppose any
14 motion(s) to dismiss for lack of personal jurisdiction. The parties agree that no such
15 personal jurisdiction-related discovery (or other discovery) shall take place during the
16 Discovery Stay Period unless and until the Court grants any such motion;
- 17 5. This Stipulation is not, and may not be construed as, a waiver by Defendants of their
18 right to move to continue the stay or limit discovery following the conclusion of the
19 Discovery Stay Period; and
- 20 6. The discovery deadlines set forth above, rather than the deadlines for discovery set
21 forth in the Initial Pretrial Scheduling Order, shall govern.

22 Date: August 5, 2021

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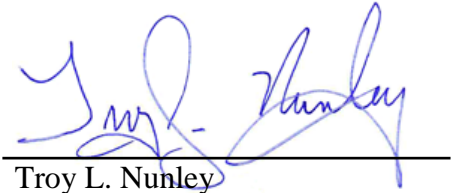
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ORDER

IT IS SO ORDERED.

Dated this 5th day of August, 2021


Troy L. Nunley
United States District Judge